

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHRISTOPHER JOHNSON, et al.,

Plaintiffs,

v.

TRINITY COURIERS, INC., et al.,

Defendants.

Case No. 1:19-cv-00686
Dlott, J.; Bowman, M.J.

**JOINT STATUS REPORT AND MOTION FOR ADDITIONAL 90-DAY
STAY TO FACILITATE SETTLEMENT DISCUSSIONS**

Plaintiffs Christopher Lymon, Marcus Johnson, Christopher Johnson, Veronica Renda, and Tatiana Mance (“Plaintiffs”) and Defendants Trinity Couriers, Inc., Trinity Couriers of Ohio, Inc., Rush of Ohio, Inc., Trinity Couriers of Houston, Inc., Trinity Couriers of Kansas, Inc., Trinity Couriers of St. Louis, Inc., Trinity Couriers of San Antonio, Inc., Trinity Couriers of Austin, Inc., Trinity Couriers of DFW, Inc., Trinity Couriers of Minnesota, Inc., and Trinity Couriers of Denver, Inc., (collectively, “Trinity Couriers” or “Defendants”) hereby jointly submit this status report pursuant to the Court’s Order of October 3, 2019, *see* ECF No. 11, and jointly request that the case continue to be stayed an additional 90 days – until February 17, 2020 – including the Defendants’ right to seek a *nunc pro tunc* extension of their answer deadline.

1. This matter was filed on August 20, 2019, asserting claims under the Fair Labor Standards Act and related state wage and hour laws. *See* ECF No. 1.

2. Since that time, the Parties have been holding discussions in an effort to resolve the dispute without further litigation, and on October 2, 2019, the Parties jointly moved this Court for a sixty (60) day stay of all proceedings for purposes of mediation. *See* ECF No. 10. The Court

granted the stay on October 3, 2019, and directed the Parties to submit a Joint Status Report by November 18, 2019. *See* ECF No. 11.

3. Since the entry of the Court's Order, the Parties have continued to make progress towards settlement. The Parties have engaged in several meet and confer calls and have agreed on a framework for an alternative dispute resolution ("ADR") process.

4. In connection with this process, Defendants have begun providing to Plaintiffs certain documents necessary for the Parties to engage in meaningful negotiations. Additional data and documents are scheduled to be provided by no later than November 25, 2019.

5. The Parties are planning to engage in a formal mediation of the claims of the proposed collective and state law classes following the information exchange. The Parties are currently coordinating the logistics of this mediation.

6. The Parties anticipate that they will reach a settlement of this matter and request that the Court permit them an additional 90 days (until February 17, 2020) to engage in the mediation process without expending unnecessary resources involved in simultaneously litigating this case.

7. To accommodate the parties' ongoing settlement discussions, Defendants continue to agree that, with respect to Plaintiffs' claims under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., the statute of limitations will continue to be tolled for all potential opt-in plaintiffs (using the FLSA Collective definition set forth in Plaintiffs' Complaint, ECF No. 1), from the date of the filing of the Complaint until February 17, 2020.

8. The Parties propose that by February 17, 2020, the Parties shall file another joint report apprising the Court as to the status of their settlement discussions and outcome of their

mediation, and if a settlement in principle has been reached, a schedule for the presentation of the settlement to the Court for its approval.

9. The Parties' request is made in good faith and not for purposes of delay.

10. The Parties appreciate the time that the Court has afforded them to attempt to resolve this matter and to preserve the resources of the Court and the Parties. The Parties are available at the Court's convenience should the Court want additional information around the Parties' negotiations.

Respectfully submitted, this 18th day of November, 2019.

CHRISTOPHER JOHNSON, et al.

TRINITY COURIERS, INC.

By: /s/ Sarah R. Schalman-Bergen
One of Plaintiffs' Attorneys

By: /s/ John L. Jackson
One of Its Attorneys

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State Law Classes*

CERTIFICATE OF SERVICE

A copy of this document was served on counsel of record by the Court's ECF System and via email on November 18, 2019.

Respectfully,

/s/ Sarah R. Schalman-Bergen